

MAR 13 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO
EVALUATE AND PLAN FOR THE TRANSFER OF THE LICENSURE OF
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS FROM THE
DEPARTMENT OF EDUCATION TO THE DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS AND CONSIDER ALTERNATIVE LICENSING
PROCEDURES THAT ARE IN THE BEST INTEREST OF THE STATE'S
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS AND
STUDENTS.

1 WHEREAS, private trade, vocational, and technical schools
2 are higher-level learning institutions that specialize in
3 providing students the education and skills needed to perform
4 the tasks of a particular job, including but not limited to
5 maritime and healthcare jobs; and
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7 WHEREAS, section 302A-425, Hawaii Revised Statutes,
8 requires all private trade, vocational, and technical schools be
9 licensed by the Department of Education; and
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11 WHEREAS, section 302A-425, Hawaii Revised Statutes, was
12 amended by Act 57, Session Laws of Hawaii 1998, to clarify that
13 the purpose of the licensing law is to protect consumers against
14 false, deceptive, misleading, or unfair practices and to ensure
15 adequate educational quality at private trade, vocational, and
16 technical schools; and
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18 WHEREAS, the Auditor's 2002 report on the licensing of
19 private trade, vocational, and technical schools stated that when
20 section 302A-425, Hawaii Revised Statutes, was amended by Act
21 57, Session Laws of Hawaii 1998, to clarify its purpose, the
22 clarification shifted the emphasis of the licensing law to
23 consumer protection and brought into question the Department of
24 Education's administration of the licensure of private trade,
25 vocational, and technical schools; and
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1 WHEREAS, the Department of Education's primary
2 responsibility is educating students in kindergarten through
3 twelfth grade; and
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5 WHEREAS, the Department of Education is unable to
6 effectively administer the licensure of private trade,
7 vocational, and technical schools due to its lack of
8 understanding and expertise regarding the specialized curriculum
9 offered at these schools and lack of experience in providing
10 post-secondary education and overseeing post-secondary
11 institutions; and
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13 WHEREAS, the Department of Commerce and Consumer Affairs'
14 primary responsibility is to protect consumers and the
15 Department has experience in the licensure of professions and
16 businesses, as well as some experience in licensing schools; and
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18 WHEREAS, transferring the licensure of private trade,
19 vocational, and technical schools to an appropriate agency and
20 establishing alternative licensing procedures will improve the
21 licensing process for private trade, vocational, and technical
22 schools; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-eighth
25 Legislature of the State of Hawaii, Regular Session of 2015, the
26 House of Representatives concurring, that the Department of
27 Education and Department of Commerce and Consumer Affairs are
28 requested to convene a working group to evaluate and plan for
29 the transfer of the licensure of private trade, vocational, and
30 technical schools from the Department of Education to the
31 Department of Commerce and Consumer Affairs and consider
32 alternative licensing procedures that are in the best interest
33 of the State's private trade, vocational, and technical schools
34 and students; and
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36 BE IT FURTHER RESOLVED that the Department of Commerce and
37 Consumer Affairs consider licensure procedures that protect
38 consumers from false, deceptive, misleading, and unfair
39 practices at private trade, vocational, and technical schools
40 and ensure adequate educational quality at these schools; and
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1 BE IT FURTHER RESOLVED that the Department of Education and
2 Department of Commerce and Consumer Affairs include interested
3 stakeholders in the working group's discussions; and
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5 BE IT FURTHER RESOLVED that the Department of Education and
6 Department of Commerce and Consumer Affairs submit their
7 findings and recommendations, including a transfer timeline and
8 any proposed legislation, to the Legislature no later than
9 twenty days prior to the convening of the Regular Session of
10 2016; and
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12 BE IT FURTHER RESOLVED that certified copies of this
13 Concurrent Resolution be transmitted to the Governor,
14 Superintendent of Education, Chairperson of the Board of
15 Education, Director of Commerce and Consumer Affairs, and
16 Auditor.
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